

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 9

Filed by: Merits Panel
Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WILLIAM FRANK MARTIN, RUEDIGER HAIN,
KLAUS-GUENTHER TIETJEN, MARCO BURSCH
and ANDREAS S. KLOTI
Junior Party
(Patent 6,303,365),

v.

ALBERT BORONAT, NARCISO CAMPOS
and GANESH M. KISHORE
Senior Party
(Application 09/987,025).

FAXED

MAY 27 2005

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Patent Interference No. 105,300

Before: LEE, LANE and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

Judgment - Bd.R. 127(b)

On 25 May 2005, the board received from Martin "MARTIN REQUEST FOR ENTRY OF ADVERSE JUDGMENT PURSUANT TO 37 C.F.R. 1.662(a)," in which Martin requests and agrees to entry of adverse judgment (Paper 8). Martin's request is considered a request for adverse judgment under Bd.R. 127(b), which became effective 13 September 2004 and supersedes 37 C.F.R. § 1.662(a). Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1 at 5) is awarded against junior party WILLIAM FRANK MARTIN, RUEDIGER HAIN, KLAUS-GUENTHER TIETJEN, MARCO BURSCH and ANDREAS S. KLOTI.

FURTHER ORDERED that junior party WILLIAM FRANK MARTIN, RUEDIGER HAIN, KLAUS-GUENTHER TIETJEN, MARCO BURSCH and ANDREAS S. KLOTI is not entitled to a patent containing claims 1, 2 and 4-13 (corresponding to Count 1) of U.S. patent 6,303,365.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/987,025 and U.S. Patent 6,303,365.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and Bd.R. 205.

cc (via facsimile):

Attorney for Martin:

Eric J. Kron
ICORIA, INC.
108 T.W. Alexander Drive, Bldg. 1A
P. O. Box 14528
Research Triangle Park, NC 27709

Tel: 919-425-3000
Fax: 919-485-0812

Attorney for Boronat:

Robert E. Hanson
FULBRIGHT & JAWORSKI LLP
600 Congress Avenue, Suite 2400
Austin, TX 78701-3271

Tel: 512-536-3085
Fax: 512-536-4598